

China Human Rights and Rule of Law Update

November 1, 2005
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United States Congressional-Executive Commission on China

Senator Chuck Hagel, Chairman | Representative Jim Leach, Co-Chairman

Events

2005 Annual Report

The Congressional-Executive Commission on China released its 2005 Annual Report on October 11, 2005. The Commission found no improvement overall in human rights conditions in China over the past year, and increased government restrictions on Chinese citizens who worship in state-controlled venues or write for state-controlled publications. The Commission notes that the Chinese government continued to pursue certain judicial and criminal justice reforms that could result in improved protection of the rights of China's citizens. The Commission's 20 Legislative and Executive Branch members approved the report by a vote of 18-1, with one Commissioner answering "present."

Press Release: <http://www.cecc.gov/pages/annualRpt/annualRpt05/pressrelease.php>

Executive Summary: <http://www.cecc.gov/pages/annualRpt/annualRpt05/index.php>

Full Report (PDF - 600kb): <http://www.cecc.gov/pages/annualRpt/annualRpt05/CECCannRpt2005.pdf>

Full Report (text via GPO): http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=109_house_hearings&docid=f:23753.wais

Topic Paper: China's Household Registration System (Hukou)

The Congressional-Executive Commission on China released its latest [topic paper](#): "China's Household Registration System: Sustained Reform Needed to Protect China's Rural Migrants" on October 7. This topic paper is available on the Commission's Web site in [HTML](#) and [Adobe Acrobat PDF](#) formats.

Translation: Regional Ethnic Autonomy Law

The Congressional-Executive Commission on China has prepared a translation of the [Regional Ethnic Autonomy Law](#).

Translation: Court Judgment in Zhang Lin Incitement of Subversion Trial

The Congressional-Executive Commission on China has prepared a translation of the [Bengbu Intermediate People's Court's Written Judgment in the Zhang Lin Incitement of Subversion of State Power Trial](#), sentencing him to five years imprisonment. The High Court in Anhui recently [rejected his appeal](#).

Translation: MII Notice on Cellular Phone Short Messaging

The Congressional-Executive Commission on China has prepared a translation of the [Notice Regarding Further Strengthening Control Over the Dissemination of Harmful Information Over Mobile Communication Networks](#), issued by the [Ministry of Information Industry](#) in late September 2005, and made public on October 7, 2005. A summary of the notice prepared by the Commission is available [here](#).

Updates on Rights and Law in China

[Human Rights Updates](#) [Rule of Law Updates](#) [All Updates](#)

Police in Chongqing Quash Largest Workers' Protest Since 1989

Police broke up one of the largest worker protests in China since 1989 on October 7 in Chongqing, an independent municipality in western China, according to an October 15 report in [The Australian](#). An estimated 10,000 protesters, many of whom were laid off workers from the bankrupt Tegang Chongqing Special Steel Plant, threatened to derail the city government's efforts to successfully host the Asia-Pacific Cities Summit from October 10-14, according to the report. Security officers detained several dozen protesters, including three identified as leaders, according to an October 7 Radio Free Asia [report](#) (in Chinese) that also was summarized in English in an October 14 [China Labor Bulletin](#) (CLB) report on the incident. The RFA article also reported that two women protestors were killed, but these deaths could not be confirmed.

The Tegang Chongqing Special Steel Plant was once among China's top 500 industrial companies, according to the CLB report, but declared bankruptcy with 4.6 billion yuan in debts. Workers accused factory management of planning to keep the profitable assets of the company for their own benefit, and branded the bankruptcy proceeding as "fake," according to

the report in The Australian.

Workers began to protest on August 12, blocking a main city street and paralyzing traffic, according to the CLB report. While protests continued, worker representatives and factory officials negotiated later in August, but could not agree on the terms of payment of wage arrears. Local government officials stepped in to continue the talks, and reached a tentative compromise on compensating the workers, according to a September 21 [report](#) (in Chinese) on RFA. The Australian reported, however, that the city government did not deliver on its promises, and the workers resumed their protests on October 7, prompting city officials to call out several hundred police.

Reporters Without Borders Ranks China as 1 of 10 Worst Countries for Press Freedom

Reporters Without Borders ranked China 159th out of 167 countries in its [2005 Worldwide Press Freedom Index](#), released on October 20. China ranked ahead of Nepal, Cuba, Libya, Burma, Iran, Turkmenistan, Eritrea, and North Korea in granting press freedom, according to the Index. The authors note that, despite some media privatization in China, "the government's propaganda department monitors the media, which were forbidden to mention dozens of sensitive subjects in the past year."

Public Security Officials Detain Nearly 50 Protestant Leaders in Hebei

Public security officials detained nearly 50 Protestant leaders in Hebei province, according to an October 20 [report](#) by the China Aid Association (CAA), a U.S.-based NGO that monitors the religious freedom of Chinese Protestants. The 50 are leaders of house churches from over 20 Chinese provinces who were meeting in retreat in Gougezhuang village, Laishui county, in Hebei province. On October 20, public security and religious affairs officials from Baoding city raided the meeting and detained those present, including the well-known evangelist [Zhang Mingxuan](#) (in Chinese). Public security officials beat at least one person, a woman named [Dai Hong](#) (in Chinese). CAA [reported](#) on October 21 that all detainees had been released.

[Unregistered Protestant and Catholic communities](#) are growing in Hebei province. According to some estimates, [up to half of China's Catholics](#) live in Hebei, and [officials have detained many Catholic priests and bishops](#) in the province. In June 2005, [Hebei Catholics sent a letter protesting religious persecution](#) to a Catholic news agency based in Italy. Authorities in Hebei province also persecute and harass unregistered Protestants. In July 2005, for example, Hebei public security officials [detained about 100 Protestant students](#).

SPC Takes Additional Steps to Reclaim Authority Over Death Penalty Review

Supreme People's Court (SPC) Vice President Wan Xiang announced September 25 that the SPC is [taking further steps](#) to reclaim the power of review over all death penalty decisions, according to the September 27 edition of the [China Youth Daily](#). In a public lecture at the Beijing Institute of Technology, Vice President Wan said that the SPC will add three criminal tribunals to cope with the additional work from taking back the death penalty review power. He added that this latest move will be vital to maintaining judicial neutrality.

A [September 28 report](#) in the Legal Daily suggests that recent SPC moves have now gone beyond publicity; the Court has taken concrete action on reforming death penalty review procedures. The Legal Daily provides a particularly favorable interpretation of the August 2005 promotions of Judges Zhang Jun and Xiong Xuanguo to the status of SPC Vice Presidents, characterizing their appointments as positive moves toward building a more qualified judicial review staff. The China Youth Daily article, however, notes concern from the National Judges College that three new criminal tribunals will require training at least 300 new judges. This number reflects the view that increased workloads will result from provincial high courts transferring death penalty cases back to the new panels. Provincial high courts currently review over 90 percent of the death sentences handed down in China, according to a [Defense Lawyer Net article](#).

China has the [highest death penalty rate](#) in the world, with at least [one domestic source](#) hinting that nearly 10,000 executions take place each year. Agence France-Presse, the South China Morning Post, and [Xinhua](#) reported on the executions of at least 26 people in the weeks leading up to the National Day holiday on October 1.

The SPC lacks the resources to review all death penalty decisions, and first shifted the power of review over certain death sentences to provincial high courts in 1980. But September 2005 editorials by Chinese legal scholars in the [Southern Daily](#) and [Xinhua](#) question the practical implications and legality of this policy under Chinese domestic law. Article 48 of the [Criminal Law](#) and Article 199 of the [Criminal Procedure Law](#) unequivocally require SPC approval of all death sentences. (For more on the debate within China regarding legality of the SPC's transfer of authority, see [The Execution of Lobsang Dondrub and the Case Against Tenzin Deleg: The Law, the Courts, and the Debate on Legality](#).)

Full Analysis >> <http://www.cecc.gov/pages/virtualAcad/newsletterListing.phpd?NLdate=20051101&show=ALL#id25144>

Legal Activist Chen Guangcheng Beaten Again

Local officials again beat blind legal activist Chen Guangcheng near his home in Shuanghou township, Shandong province,

on October 24, according to a [report](#) the same day on Radio Free Asia. Since September 6, officials have held Chen under house arrest for [publicizing abuses by local population planning officials](#).

Chen attempted to leave his home to greet two friends whom security officers guarding the house had prevented from visiting him. Eight or nine men, including two officials, then began beating and kicking Chen, according to the RFA account. Family members brought him back inside the house, but officials subsequently denied the family's request to send him to the hospital. [Local officials also beat Chen](#) on October 4.

Court Rejects Writer Zhang Lin's Appeal of Conviction for Subversive Writings

The High People's Court in Bengbu, Anhui province, rejected writer Zhang Lin's appeal of his conviction for subversion of state power, according to an October 15 [report](#) on the Boxun Web site. Zhang's wife told Boxun that officials at the Intermediate Court gave her the High Court's opinion on October 14, which stated simply: "Appeal rejected, original judgment upheld. This ruling is the final ruling."

On July 28 the Intermediate People's Court in Bengbu [sentenced Zhang to five years imprisonment for subverting state power](#) in connection with articles he posted on the Internet and a radio interview he gave. On September 1, Zhang began a hunger strike to protest being forced to engage in hard labor and being deprived of access to information and his right to read and write. He was [hospitalized several days later](#) as a result. He began eating again on September 28 citing improved prison conditions, according to a [letter from his wife](#) posted on the Boxun Web site on October 12.

Commission staff have prepared a [full translation](#) of the Intermediate People's Court judgment.

Xinjiang Police Reportedly Bar Uighur Haj Pilgrimage By Confiscating Passports

Xinjiang police confiscated the passports of a group of Uighur pilgrims seeking to cross the border by bus at Qonjirap in Xinjiang on August 25, according to the [East Turkistan Information Center](#) (in Uighur). The group had planned to spend the Muslim holy month of Ramadan in Mecca.

Although [several international human rights declarations and covenants](#) call on signatories and parties to allow citizens freedom of movement (see, e.g., Article 12 of the [Universal Declaration of Human Rights](#) and Article 13 of the [International Covenant on Civil and Political Rights](#)), Chinese law limits Chinese Muslims to state-sponsored pilgrimages to Mecca. Article 11 of China's [2005 Regulations on Religious Affairs](#) says that "The national Islamic religious organization shall be responsible for organizing foreign pilgrimages for Muslim Chinese citizens." The 2001 Xinjiang Uighur Autonomous Region Regulations on the Management of Religious Affairs restrict the movement of Muslims more explicitly, by specifying that "pilgrimage activities are to be organized by the religious affairs departments of the people's governments and religious organizations. No other organization or individual may organize such activities."

For more detailed discussion of religious policy in Xinjiang, see Human Rights Watch's [Devastating Blows](#) and CECC's roundtables on [Islam](#) and on the [Regional Ethnic Autonomy Law](#).

Labor Ministry Officials Remove Regulatory Barrier to Migrants Seeking Work in Cities

The Ministry of Labor and Social Services (MOLSS) has issued a [migrant rights handbook \(2005 edition\)](#) that says that MOLSS will not require migrants to obtain a work registration card in their place of origin before they seek jobs in urban areas, according to a September 26 Xinhua [article](#). The requirement to do so had been in place since 1994, and limited migrant employment prospects and allowed local authorities the discretion to charge migrants additional fees, according to a September 26 [article](#) published on the Yangcheng Evening News Web site.

In December 2004, the State Council [issued a directive](#) to eliminate discriminatory measures that limit employment prospects for migrants in urban areas. The MOLSS handbook appears to be implementing this State Council directive.

The handbook also says that the MOLSS expects local governments to take gradual steps to provide migrants with some access to certain types of government benefits, such as worker's compensation, unemployment insurance, and health care. In practice, government restrictions limit migrant access to public services such as health care and education, by linking these public benefits to each individual's household registration (hukou) status. For more information, see the [Freedom of Residence and Travel resource page](#).

State Council Report On Democratic Governance Emphasizes Communist Party Control

The Chinese government issued a white paper ([English](#), [Chinese](#)) titled "Building of Political Democracy in China" on October 19, according to an International Herald Tribune [article](#) on October 19. The white paper justifies Communist Party rule as necessary for political stability, and notes that "Party committees serve as the leadership core over all [government and mass] organizations at the same level . . . and through Party committees and cadres in these organizations, ensure that the Party's policies are carried out . . . Through legal procedures and democratic discussion, Party committees ensure that Party

proposals become the will of the state and that candidates recommended by Party organizations become leaders in the institutions of state power."

Although the white paper emphasizes the role of local people's congresses (LPCs) and village and residents committees (VCs, RCs) in allowing Chinese citizens a degree of popular participation in governance, it does not mention the control mechanisms that Chinese officials use to limit the representative nature of these institutions. Party officials use electoral committees to control the selection of candidates for LPC, VC, and RC elections, as noted in the Democratic Governance section of the [Commission's 2005 Annual Report](#). China's LPC electoral structure ensures that rural residents are underrepresented, as noted in a recent Commission [topic paper](#). Although top Chinese leaders have suggested that direct elections could be expanded from the village to township governments, as reported in an [article](#) in the September 23 edition of the South China Morning Post, the white paper does not mention this possibility.

The white paper identifies specific governance problems that remain to be addressed, such as that Chinese laws sometimes are not fully observed or enforced, that mechanisms for restraining and supervising the use of official power need further improvement, and that citizen political participation needs to be expanded.

Scholars Complete Working Draft of Revised Criminal Procedure Law

Chinese legal scholars have completed a working draft of the second set of revisions to China's Criminal Procedure Law (CPL), according to an [October 11 report](#) by government-run China Radio International Online (CRI). Professor Xu Jingcun of Southwest University of Political Science and Law formally announced completion of the document during the 2005 National Conference on Procedure Law, held from September 24 through 26 in Tianjin. In his interview with CRI, Professor Xu revealed that a scholar-led working group has been discussing the revisions since June 2004 and should be ready to release their draft to affected public security, procuratorial, and court agencies for review and comment in November. The [Beijing News](#) previously reported that the National People's Congress was working toward final passage of the CPL amendment by 2007.

Full Analysis >> <http://www.cecc.gov/pages/virtualAcad/newsletterListing.phpd?NLdate=20051101&show=ALL#id26180>

Government Agencies Issue New Regulations Restricting News Reporting on the Internet

Among the Chinese government's "most pressing responsibilities" is controlling "harmful information" on the Internet, according to a September 1 [editorial](#) in the official newspaper of the [Ministry of Information Industry](#) (MII). The Ministry did not disclose, however, the nature of the "harmful information" it was referring to until September 25, when the MII and the [State Council Information Office](#) (SCIO) promulgated the [Rules on the Administration of Internet News Information Services](#) (Rules). The Rules "tighten supervision over online news services," according to a September 26 Xinhua [article](#), and prohibit anyone from using the Internet to post or transmit news reports or commentary relating to politics, economics, and military, foreign, and public affairs without prior government authorization.

The Rules cover "Internet News Information Services," (INIS) which is defined as "the use of the Internet to post reporting and commentary . . . , provide current event electronic bulletin services, and transmit to the public current event news report information." The Rules create three categories of INIS providers: those that government agencies establish that post news gathered by agency employees, those established by government agencies that post news gathered and reported by employees of another government agency, and those established by non-government "organizations." The Rules restrict the latter two categories to reporting only news that the central government or a provincial level government agency has already published.

An SCIO spokesperson told a press conference on September 25 (Xinhua [English](#) / [Chinese](#)) that the SCIO and MII had deemed it necessary to revise the regulations that had previously governed Internet news (the MII and SCIO's 2000 [Interim Provisions on the Administration of Internet Web sites Engaged in News Posting Operations](#) (Provisions)) because changes in the content of news available on the Internet, as well as "the emergence of so many unhealthy news stories that will easily mislead the public," had rendered them "unsuitable." The spokesperson said the revisions were adopted pursuant to the [Decision on Strengthening the Party's Ability to Govern](#), which the Party's Central Committee issued in September 2004. The Decision said that the "Party supervises the media," and should "[p]ay close attention to the influence that the Internet and other newly emerging media have on public opinion, increase the pace of establishing unified management mechanisms for legal regulation, administrative supervision, industry self-discipline, and technological safeguards, step up the building of the ranks engaged in propaganda on the Internet, and create a strong force for positive opinion on the Internet." Like the Rules, the Provisions declared that only government authorized Web sites could post news, and that all such news had to be published by government news agencies.

The Rules, however, differ from the Provisions in several respects:

- They expand the government's control over the news media to include posting news on electronic bulletin board systems (including "Web logs" or "Blogs") as well as the transmission of news by e-mail or cellular phone short text messaging.
- They impose new restrictions on information relating to freedom of assembly, by prohibiting news that incites illegal associations, demonstrations, or gatherings, or that is done in the name of an illegal civil

organization.

- They clarify the government's restrictions on the free flow of information to Chinese citizens from outside of China, by prohibiting foreign investment in INIS providers, requiring the SCIO to perform a "security evaluation" of any cooperation between an INIS provider and a Sino-foreign joint venture or foreign enterprise, and prohibiting INIS providers from reporting news unless a central or provincial level government news agencies has already reported it.

Full Analysis >> <http://www.cecc.gov/pages/virtualAcad/newsletterListing.phpd?NLdate=20051101&show=ALL#id25176>

Public Security Officials Detain Two House Church Protestants in Henan

Public security officers detained two house church evangelists in Henan province on September 26 and October 2, reports the [China Aid Association](#) (CAA), a U.S.-based NGO that monitors the religious freedom of Chinese Protestants. The report says that public security officers took Ma Yinzhou, a house church pastor, into custody on September 26 and demanded that he reveal the whereabouts of Ma Shulei, his son, who is a house church evangelist. Ma Shulei turned himself in to authorities on October 2. According to CAA, public security officers in Beijing detained Ma Yinzhou and Ma Shulei in 2002 during a raid on a meeting of house church leaders.

Leadership Congratulates Workers as Track Work Completed on Qinghai-Tibet Railway

Vice Premier Huang Ju attended an October 15 ceremony in Lhasa marking the completion of track laying for the Qinghai-Tibet railroad, [Xinhua](#) reported the same day. President Hu Jintao sent a letter congratulating railroad workers, saying that the railroad would speed regional economic and social development and "strengthen solidarity of various ethnic groups." The railroad "involves an investment" of 33 billion yuan, [China Daily](#) reported on October 15, and will "attract tourists, traders and ethnic Chinese settlers" to the region. The journey from Beijing to Lhasa will take two days.

It is unusual for the state-run news media to acknowledge that the railway will attract Han settlers into the Tibet Autonomous Region (TAR); Chinese authorities [deny](#) that the Han population of the TAR has increased significantly. Official Chinese census data for 1990 and 2000 appear to contradict the visible changes in ethnic Han presence that is evident in many Tibetan towns and cities; census figures show the Han population as decreasing in 10 of the 13 Tibetan autonomous areas in China, according to information available in the [CECC 2005 Annual Report](#). Tibetans say privately that they believe projects such as the Qinghai-Tibet railroad and programs such as [Great Western Development](#) are drawing a steady flow of ethnic Han migrants into Tibetan areas, exerting pressure on Tibetan culture and heritage.

Railway officials will begin testing the tracks and signal apparatus by July 2006, and plan to begin commercial operations in early 2007. Railway ministry officials say that in five years the railroad will extend from Lhasa to the TAR's second and third largest cities, Shigatse (Rikaze) to the west and Nyingtri (Linzhi) to the east, a [Xinhua](#) news release reported on October 15.

Additional information about the Qinghai-Tibet railway and Chinese laws and policies that influence population change in Tibetan autonomous areas of China is available in the [CECC 2005 Annual Report](#).

Party and Government Censorship Results in News Media Being "Silent and Absent"

Communist Party and government control over, and censorship of, China's news media prevents journalists from writing and publishing critical investigative reports, according to an [article](#) by Professor Zheng Baowei in the October edition of *Journalist Monthly* [Xinwen Jizhe]. The monthly journal is a joint publication of the Shanghai Communist Party Central Committee and Academy of Social Sciences. Zheng, director of the People's University's News and Social Development Research Center (Center), writes that journalists and editors in China face "many layers of obstruction, heavy pressures, and too much interference" when trying to prepare and publish critical articles on important issues (sometimes referred to as "[public opinion supervision](#)" reports). Zheng concedes that pressure and interference comes from many areas, including Party and government leadership agencies, enterprises, media relationship networks, and friends. He emphasizes, however, that "the interference from Party and government departments is especially severe," noting that almost 75 percent of the journalists queried in a 2004 Center survey ranked "Party and government leadership agencies" as the top source of interference in news reporting. The result, Zheng says, is that Chinese news media are "silent and absent" during those times when China most needs critical investigative reporting.

The Center's survey found that the percentage of respondents who believed that incidents of "obstructionist interference" in public opinion reports were "very severe" or "severe" was 25.6 percent in the case of radio reports, and 37.4 percent for reports on television. Zheng outlines several ways that Chinese authorities "obstruct and censor" the Chinese news media, including both formal measures, such as issuing "prohibitory orders," and informal measures, such as exploiting personal relationships by "writing notes, making calls, paying visits, or throwing feasts and giving presents." According to Zheng, Chinese authorities at lower levels often need only "one phone call, one oral message, or one informal note" to a "high level leader" to force editors to "terminate" articles they have yet to publish, or "give up halfway" on articles they have already published and forgo any follow-up reporting.

Zheng writes that Party and government departments raise the specter that news reports will "discredit socialism and cause trouble for the nation" to justify preventing the news media from engaging in critical investigative journalism, but that many

of those engaging in censorship are primarily interested in quashing reports that will leave them "blemished and tainted." As a result, "some public opinion supervision that should have been carried out is censored, or is only carried out through the central media or media in other localities." Zheng characterizes the current state of investigative reporting in China in this way:

[T]here is too much supervision of ordinary problems, and too little supervision of serious problems; there is too much supervision of middle and basic levels, and too little supervision of higher levels; there is too much supervision of individuals, and too little supervision of work units; there is too much supervision of those who step down, and too little supervision of those with positions; there is too much supervision of outside problems, and too little supervision of local problems; there is too much supervision of other people's problems, and too little supervision of one's own problems.

Although it is unusual for Chinese authorities to allow such frank criticism of the Chinese government's censorship system, authorities generally permit it when the author avoids complaining about central government censorship, and addresses censorship only at the provincial and local level.

Full Analysis >> <http://www.cecc.gov/pages/virtualAcad/newsletterListing.phpd?NLdate=20051101&show=ALL#id26942>

Xinjiang Discipline and Inspection Committee Attacks "False Reports"

The Xinjiang Uighur Autonomous Region's Discipline and Inspection Committee (Committee) issued a [public statement](#) on October 20 condemning "false reporting" about Xinjiang government efforts to force officials and state-owned enterprise managers to divest and disclose their illegal holdings in coal mines (CECC coverage of one such report is available [here](#)). According to the statement, some reporters in Xinjiang "did not go through normal channels to gather information, and instead relied on rumors and fanciful reasoning" to publish a "series of false articles." The statement refers to an October 20 China Youth Daily [article](#) that noted some Xinjiang government officials would prefer to lose their jobs than forfeit their financial holdings in coal mines, and condemns the article as "pure fabrication . . . with a harmful impact on society."

The Committee's statement asserts that Xinjiang authorities are abiding by the State Council's August 24 [directive](#) that all Party and government officials and state-owned enterprise managers throughout China must disclose and divest all of their financial holdings in coal industries and mines unless they purchased their shares in a public stock exchange. Although the State Council initially set a September 22 deadline for all government and Party employees to comply with the directive, an October 14 Xinjiang Daily [article](#) reported that no Xinjiang officials had disclosed their coal mine assets by the deadline, and the Xinjiang government had thus been forced to extend the deadline to October 20. The October 20 China Youth Daily article reported that 62 officials in Xinjiang had divested 2.67 million yuan from local coal mines, but cited a Discipline and Inspection Committee official who worried that others, who may have divested their assets without publicly disclosing their holdings, might reinvest in the mines once "the current winds change."

The Committee statement concluded by saying that the Discipline and Inspection Committee "retains the authority to investigate and hold [responsible parties] accountable for the consequences of false reporting."

Ministry of Health Announces Flu Emergency Plan

The Ministry of Health announced a plan September 28 to control the emergence of a flu pandemic, according to an item posted on the Ministry's [Web site](#). Under the "Flu Emergency Preparedness Plan," Health Ministry officials recommend the establishment of an anti-influenza leading working group, surveillance networks, laboratories, and a flu and bird-flu database to address the potential for human-to-human transmission of a mutated bird-flu virus. The plan also warns that the central government needs to improve China's vaccine production capabilities, since producing the appropriate vaccine can take two to six months after a pandemic begins.

The H5N1 strain of bird flu has affected poultry populations in Cambodia, Thailand, Vietnam, Indonesia, and western China since 2003, infecting humans and killing at least 65 people, mostly poultry workers. The strain has also resulted in the culling of tens of millions of birds to prevent the spread of the disease.

Guangzhou Officials Formally Arrest Peasant Rights Activist Guo Feixiong

Public security officials in Guangzhou formally arrested peasant rights activist Guo Feixiong on October 6, over three weeks after a [Chinese news source](#) reported him as missing and likely to be in police custody, according to the [Epoch Times](#), [BBC](#), and [South China Morning Post](#) (subscription required). Officials detained Guo on September 13 and have charged him with "gathering people to disturb public order," a crime under Article 290 of China's [Criminal Law](#). The charges relate to efforts by Guo to provide legal advice to the villagers of Taishi village, Guangzhou city, in their [recall campaign](#) against the village committee head.

A [local Guangzhou paper](#) reported the official end to the recall campaign on September 30 and said that villagers had withdrawn their application to remove village chief Chen Jinsheng, whom they accused of corrupt use of village funds. According to reports in the South China Morning Post, villagers clashed with public security officials on [August 16](#) and again on [September 12](#), despite their vows to protest peacefully. During the September 12 confrontation, about 1,000 public

security officials entered the village, seizing village account books and taking into custody nearly 50 mostly elderly village residents. Although Zhongshan University Professor [Ai Xiaoming](#), political commentator [Yao Lifa](#), and the human rights organization [Empowerment and Rights Institute](#) have issued open letters challenging the legality of local official actions, more than 10 villagers remained in custody through mid-October. Officials have formally arrested at least five of them, including Guo Feixiong, Feng Weinan, Feng Qiusheng, Liang Shusheng, and Chen Runqiang. Professor Ai told [Radio Free Asia](#) on October 5, "I think that there is actually very little space for free debate on this subject, and now there's really very little left to talk about."

Guo Feixiong is an activist whose real name is Yang Maodong. He previously participated in and reported on peasant rights issues in Foshan city, Guangdong province, in late July 2005, according to the [Epoch Times](#). He began a hunger strike and sent a letter requesting legal assistance as soon as officials took him into custody on September 13. Guangdong lawyers Tang Jingling and Guo Yan did not receive his letter until September 26 and immediately made a visit to the Shawan Detention Center, where officials held Guo. That same day, a group of at least 15 Chinese legal scholars and writers formed a volunteer advisory group to assist Guo, according to the [China Information Center](#). Officials have thus far allowed only one client meeting with Guo, which took place on September 28 and included Tang Jingling and Guo Yan.

Chinese scholars and the legal profession view Guo's detention and the related events in Taishi as a [test](#) of the government's commitment to village democracy and the rule of law. Under Article 64 of China's [Criminal Procedure Law](#) (CPL), officials must produce a detention warrant and have 24 hours to notify a suspect's family or work unit upon detaining that individual. Although Article 69 authorizes a detention period of up to 30 days for "major suspects" in exceptional cases, Article 65 allows no more than 24 hours of detention without charges for most crimes. A suspect's defense counsel has the right to complain to authorities on behalf of the suspect, arrange for bail, and check on charges under Article 96. Guangzhou public security officials denied a request by Guo's lawyers for temporary release under guaranty while pending trial, according to a [South China Morning Post report](#). Article 124 of the CPL requires that they hold him for no more than two months following his October 6 arrest, with a one-month extension possible only upon approval by the People's Procuratorate at the next higher level.

UN Committee Recommends Independent Expert to Visit Boy Named As Panchen Lama

The UN Committee on the Rights of the Child (UNCRC) has recommended that the Chinese government "allow an independent expert to visit and confirm the well-being" of Gedun Choekyi Nyima, the boy the Dalai Lama recognized as the Panchen Lama in 1995, in [Concluding Observations](#) of a report published on September 30. The UNCRC, a part of the Office of the High Commissioner for Human Rights, also urges Chinese authorities to "take all necessary measures to ensure the full implementation" of its [Regional Ethnic Autonomy Law](#), and to respect the religious freedom of Tibetan children by allowing them to choose to receive a religious education, to participate in religious festivals, and to choose whether or not to attend classes on atheism.

After the Dalai Lama announced his recognition of Gedun Choekyi Nyima in 1995, Chinese security officials took the then-six year old boy and his parents into custody and have kept them incommunicado since that time. The State Council declared the Dalai Lama's announcement "illegal and invalid" and installed another boy, Gyaltsen Norbu, as Panchen Lama. The U.S. Department of State [Country Reports on Human Rights Practices - 2004](#) reports that Chinese officials claim that Gedun Choekyi Nyima is not detained, but is a "normal schoolboy" who is "under government supervision, at an undisclosed location, for his own protection." The UNCRC recommendation includes an assurance that an independent expert visiting the family would respect their right to privacy.

This UNCRC report on China is the second since 1996; the earlier [report](#) did not address the case of Gedun Choekyi Nyima. The current report asks the Chinese government to provide its next report to the UNCRC in March 2009.

Additional information about the Panchen Lama issue and religious freedom for Tibetan Buddhists is available in the [CECC 2005 Annual Report](#).

Party Scholars, Government Officials Discuss Reform Of Household Registration System

Party scholars and government officials publicly raised the subject of reform of the Chinese hukou (household registration) system following the conclusion of the Communist Party plenary session on October 11. Restrictions linked to hukou identification often prevent rural migrants from obtaining social services in Chinese cities on an equal basis with other residents, as noted in a recent Commission [topic paper](#). Economists from the Central Party School criticized the dual social structure created by existing hukou restrictions in a [roundtable discussion](#) with the 21st Century Business Herald published on October 17. The director of the strategic planning arm of the State Owned Assets Supervision and Administration Commission recommended reform of the social benefits attached to hukou identification as a means to address distortions in the urban property market, according to an October 20 Southern Weekend [article](#).

National leaders highlighted the need to address the growing rich-poor divide in China in the Party plenary session, notes an October 10 Xinhua [article](#). Urbanization and migrant issues appear integral to these goals. The Party's [11th Five-Year Program](#), released on October 19, includes "healthy urbanization," improvements to the hukou system, and the

development of related social service structures among the goals to be pursued between 2006 and 2010. Internal Party study conferences during the plenary session included lectures by two experts on Chinese and international urbanization processes, according to a 21st Century Business Herald [article](#) published on October 19.

Ministries Form Working Group to Prevent Animal-Human Disease Transmission

The Ministries of Health and Agriculture [announced](#) on October 13 the establishment of a working group to prevent the transmission of diseases from animals to humans. The purpose of the working group is to strengthen coordination between the two ministries to prevent the outbreak of diseases such as avian flu and swine flu within the human population. According to the Ministry of Health, if an outbreak were to occur, the working group would assemble a team of experts, hold regular meetings to monitor the situation, report on the outbreak, and create a lab for researching the epidemiology of the outbreak.

From May through August 2005, the Ministry of Agriculture reported outbreaks of avian flu in western Qinghai province, in the Xinjiang Uighur Autonomous Region, and in the Tibet Autonomous Region. An outbreak of swine flu in Sichuan province in July and August 2005 led to 215 cases of transmission to humans; 39 people died from the disease.

Government Campaign to Settle Tibetan Nomads Moving Toward Completion

A government program to settle Tibetan nomadic herders has placed about 10,000 families in Qinghai province (89 percent of the nomads) in communities of fixed dwellings, according to an October 4 report in the [Sydney Morning Herald](#). The government program may mean the end of a traditional way of life that Tibetans, Mongols, and other ethnic groups in China regard as integral to their culture and self-identity.

The new settlement rate surpasses the 67 percent settlement rate in Qinghai in 1998, which a March 1998 [Xinhua report](#) described. The aim of the national policy is to end the nomadic way of life for all herdsmen by the end of the century, according to statements at the time by Vice Minister of Agriculture Qi Jingfa. Vice Minister Qi noted that the government "began assisting roaming herdsmen to settle down" in 1986, and explained that, "Practices have shown that settlement of local herdsmen helps develop animal husbandry [on] a large scale and promote[s] cultural, technological and educational undertakings in the pastoral areas."

Although some nomads may benefit from settlement programs, achieving improved access to education, medical care, and modern amenities, the resettlement policy does not respect the right of a nomad family to maintain its traditional lifestyle and livelihood. Moreover, Articles 19 and 20 of the [Regional Ethnic Autonomy Law](#) (REAL) grant provincial, prefectural, and county governments designated as "autonomous" under the REAL the right to formulate their own laws and regulations on matters such as settling (or protecting) nomads. But official statements from the central government on the resettlement policy, and the resettlement policy's national scope, seem to show that these legal rights, to which local autonomous governments are entitled under the REAL, are not respected.

For example, a September 2004 [Xinhua article](#) posted on the Tibet Autonomous Region (TAR) government Web site reports that, "A total of 48,000 nomadic Tibetans have settled down in the past three years since the central government launched a pasture construction and nomadic people settlement program in [the] Tibet Autonomous Region in 2001." The project "constitutes one of the numerous key aiding-Tibet projects laid down at the [Fourth Tibet Work Forum]" convened jointly by the Communist Party Central Committee and the government in Beijing in June 2001. Jiang Zemin, who was President and Party General Secretary at the time, presided over the forum. In April 2005, the State Council issued a [White Paper](#) on Chinese human rights that reports that a project to settle nomads in the TAR "was carried out continuously" and will settle another 8,000 nomad families (40,000 people) when completed in 2006.

Additional information about China's system of regional ethnic autonomy, and on protecting the cultural heritage of Tibetans, is available in the [CECC 2005 Annual Report](#).

Senior Official Credits WTO Accession for Advancing Transparency

Zhou Hanhua, the head of the State Council-designated drafting team on open government measures, credited WTO accession with raising people's awareness about their rights and the importance of openness and transparency, according to an interview published on October 13 in the [Beijing Review](#). According to Zhou, "[Chinese] citizens are more conscious about their own rights, especially after China entered the World Trade Organization, as the WTO raised the two major principles of openness and transparency." Zhou also credited China's WTO accession, among other factors, with advancing both awareness and acceptance of open government initiatives among Chinese government officials.

China's WTO transparency commitments require the Chinese government to publish any trade-related measure that it enforces. Problems emerged in 2003 and 2004 with the implementation of this commitment, for example, the government's refusal to publish a mandatory wireless networking encryption standard that it later withdrew. Nonetheless, the Chinese government has an effective system for publishing central government and provincial level measures by the time they come into force. Moreover, the U.S. business community has apparently become less concerned over time about problems with the Chinese government's implementation of its transparency commitments. In 2003, U.S. companies operating in China participating in the U.S.-China Business Council's [2003 Membership Priorities WTO Survey](#) ranked implementation of

transparency commitments second among top U.S. business issues. In the [2004 Membership Priorities WTO Survey](#), the responding companies ranked concerns about implementation of transparency commitments sixth among the most important issues. In the [2005 Member Survey](#), the Council did not provide specific rankings, but transparency remained an important but not critical concern.

Ministry of Information Industry Launches Campaign to Censor Cell Phone Short Messaging Systems

The [Ministry of Information Industry](#) (MII) will "carry out strict screening of information contents on cellular phones, pagers, and fixed line phones" during October, to "address the increased spread of pornography, superstition, and other unhealthy content," according to an October 7 Beijing News [article](#) posted on the Beijing News Web site. The article said that the screening would be done pursuant to the [Notice Regarding Further Strengthening Control Over the Dissemination of Harmful Information Over Mobile Telecommunication Networks](#) (Notice), which the MII also issued the same day. According to the Notice, all telecommunication operators and all mobile information service business operators must carry out "self-examination and self-rectification actions to control the dissemination of harmful information," and "[e]xamine each item of transmitted information's heading and content."

The Notice, which the MII addressed to China's primary mobile telecommunication carriers, the MII's own departments, and "all related information service business operators," requires telecommunications operators to increase "real-time monitoring" of all words, sounds, pictures, video, and other information carried over their services, censor any transmissions that contains "provocative language" or information that the state "explicitly prohibits," and terminate access for those who attempt to make such transmissions. The Notice also says that all mobile information service business operators must implement "strict censorship of information content," "increase monitoring and supervision of all transmitted contents," and eliminate all short message service (SMS) advertisements with "harmful contents." The Notice requires operators to report on the results of their intensified surveillance during November.

In an October 11 [article](#) about the Notice, the South China Morning Post quoted Carl Hong Jianfei, an analyst at Norson Telecom Consulting, as saying that "Internet surveillance has been strict on the mainland, but on mobile phone messaging it is rather lax. Since last year, a series of actions have been carried out to control text messaging... It's not difficult at all to censor messages by using filters . . . I've learned that the Chongqing government can censor messages one by one."

The Notice and related coverage in the state-run news media have emphasized that authorities intend the campaign to reduce pornographic content on Chinese mobile phone networks. On September 24, the Shenzhen Evening News [reported](#) that an official with the MII told the "2005 Summit Meeting on Short Messaging in China" on September 23 that, to deal with those distributing pornography, the MII will issue new rules on short message services before the end of 2005. In addition, after the MII issued the Notice, Xinhua [reported](#) that the MII, [State Council Information Office](#), and [Ministry of Public Security](#) are launching a joint campaign against obscenity in Internet chatrooms. The MII did not restrict the censorship campaign to obscene expression, however. The Notice is directed at any information that Chinese authorities "explicitly prohibit." Chinese laws include many [vague and overbroad content restrictions](#), such as those against information "harming the honor or the interests of the nation."

Full Analysis >> <http://www.cecc.gov/pages/virtualAcad/newsletterListing.phpd?NLdate=20051101&show=ALL#id26344>

Shanghai Court Sentences Petitioner Xu Zhengqing to Three Years in Prison

A local court in Shanghai sentenced petitioner Xu Zhengqing to three years in prison on October 17, according to reports available through [Human Rights in China](#) (HRIC) and the [International Herald Tribune](#). Xu has been in [police custody since January 29](#), when he traveled to Beijing to attend memorial services for former senior leader Zhao Ziyang. The Shanghai Putuo District Procuratorate charged Xu with "creating disturbances," a crime punishable by up to five years' imprisonment under Article 293 of China's [Criminal Law](#).

According to a [June 28 press release](#) from HRIC, petitioners who had joined Xu in Beijing issued an open letter to protest his prosecution and to cite contradictions between official accusations and the events that they witnessed. HRIC's October 17 press release notes that the procuratorate twice rejected proposed indictments from public security officials, sending Xu's case back for further investigation before charging him. The formal indictment based charges against Xu on his disruption of public order by failing to pay a bus fare, causing congestion in the corridor of a train, and drawing attention from a crowd on a train platform.

Despite a general requirement under Article 152 of China's [Criminal Procedure Law](#) that trial judges open their proceedings to the public, the judges excluded all but six of Xu's family members and friends from his September 13 trial and October 17 sentencing. Public security officials took into custody at least 20 fellow petitioners gathered outside the courthouse on September 13. They took into custody about a dozen fellow petitioners on October 17, including defense witnesses Ai Furong, Chen Daili, and Chen Xiuqin.

Both HRIC and the Chinese Rights Defenders note that Xu's lawyer, Mo Shaoping, could not defend him during sentencing because proceedings took place while Mo was out of the country. According to [Reporters Without Borders](#), Mo received only

four days' notice and was unable to reach Xiaogan city, Hubei province, in time for the May 18, 2004 trial of another dissident client, Du Daobin. [Labor Rights Now](#) notes that Mo received only four days' notice and instructions to undergo 10 days of quarantine for the SARS virus in 2003, forcing him to miss the January 15 trial of dissident laborers Yao Fuxin and Xiao Yuliang.

Officials Beat Protestant Businessman in Xinjiang

Xinjiang state security officials questioned and beat Tong Qimiao, a Protestant businessman, on September 28 and on October 1 threatened to revoke his business license, according to [September 30](#) and [October 3](#) reports of the China Aid Association (CAA), a U.S.-based NGO that monitors the religious freedom of Chinese Protestants. State security officials beat Tong so seriously that he could not walk; his wife sent him to a hospital in Kashgar, where tests showed that a bone in his chest was broken. State security officials visited him in the hospital, showed him the September 30 press release of the China Aid Association, and demanded that he state in writing that officials had not beaten him, threatening to revoke his business license if he refused. CAA reported on [October 8](#) that Tong refused and that on October 8 he and his wife asked both state security and public security officials in Kashgar to investigate these abuses. Officials of both agencies refused, and, hours after Tong made the requests, hospital officials demanded that Tong leave for home.

On [September 29](#) Forum 18 News Service, a Europe-based NGO which monitors religious freedom in Asia, reported that officials have been tightening restrictions on religion in Xinjiang. One Protestant in the city of Yining (Ghulja) told a reporter that if house church Protestants officially declared their presence, "Our believers could be sacked from their jobs. So we prefer to remain underground." Muslims, Orthodox, and Catholics have all reported the pressure of increasing restrictions and surveillance in recent months. Since July 2005 more than 200 Muslims have been [arrested in Xinjiang](#), and on August 25 police reportedly [barred a busload of Uighurs](#) from leaving China on a pilgrimage to Mecca. For further information on religious persecution of Christians in China and the situation in Xinjiang, see the [2005 CECC Annual Report](#) and a CECC Hearing of November 2004 on [Religious Freedom in China](#).

Seven Legal Aid Centers to Open In Urumqi

The government of the Xinjiang Uighur Autonomous Region has approved the establishment of a legal aid center in the city of Urumqi and in each of the six counties that the city administers, according to an October 21 Urumqi Evening News [report](#). All of the centers will begin operation by the end of 2005. To date, defendants in 574 criminal, 226 civil, and 16 notarization cases have received legal aid in Urumqi.

The central government has supported the development of [legal aid centers](#) since the Ministry of Justice issued a notice in 1996 urging all provinces, autonomous regions, and directly administered municipalities to establish legal aid facilities. By June 2005, about 3,081 legal aid centers were operating in cities and counties throughout China, according to an August 7 [report](#) on ChinaNews.com, a Web site sponsored by the China News Service, a Chinese government-run wire service. Government funding for legal aid centers has increased annually since 1999, reaching 217.12 million yuan in 2004, according to the ChinaNews.com report. In 2005, the central government earmarked 50 million yuan in new funding to support legal aid work in China's 592 poorest counties.

Lhasa Area Monks and Nuns Face a New Round of "Patriotic Education"

Officials in the Lhasa area are increasing both supervision of "[patriotic education](#)" programs conducted in Tibetan monasteries and nunneries and examinations of monks and nuns, according to a [report](#) by the India-based Tibetan Centre for Human Rights and Democracy (TCHRD) on October 13.

A recurrent feature of religious education for Tibetan Buddhists, patriotic education seeks to promote Tibetan patriotism toward China. Classes focus on Chinese religious, social, political, and legal policy, and on the official Chinese account of Tibetan history. Monks and nuns must pass examinations, agree that Tibet is historically a part of China, accept the legitimacy of the [Panchen Lama](#) installed by the Chinese government, and denounce the Dalai Lama, Tibetan Buddhism's highest-ranking religious figure. The U.S. Department of State's [International Religious Freedom Report 2004](#) noted that "the form, content, and frequency of training" can vary widely because "primary responsibility for conducting political education has shifted from government officials to monastery leaders."

Authorities began a three month program of patriotic education classes at Lhasa's Sera Monastery in April 2005, according to TCHRD. In July, when monks were to be tested, officials reportedly expelled 18 monks, of whom police detained eight. The report does not provide details about the monks, their activities, or current status. Patriotic education classes at Drepung Monastery, Lhasa's largest monastery, began in the first week of October, according to a TCHRD source.

In neighboring Lhundrub county, officials from the Religious Affairs Bureau arrived at Gyabdrag Nunnery in June and ordered 50 nuns to pose for individual photographs that the nuns believed would be used for "propaganda purposes," according to TCHRD. All of the nuns except six who were members of Gyabdrag's Democratic Management Committee, refused to be photographed. Officials then revoked the nuns' authorizations to live at the nunnery and receive religious training. According to an unconfirmed report received by TCHRD, officials conducting patriotic education at Shugsib Nunnery in Chushur county, adjacent to Lhasa, expelled 13 nuns. No details about them are available.

Additional information on Chinese religious policy and religious freedom for Tibetans in China is available in the [CECC 2005 Annual Report](#).

Traffic Police in Zhejiang Beat, Detain Editor After Newspaper Publishes Critical Report

More than 10 traffic police officers stormed a Communist Party newspaper office in Taizhou, Zhejiang province, and beat and detained Wu Xianghu, a deputy editor at the Taizhou Evening News, after a scuffle between Wu and a senior police officer over the paper's recent report about unreasonable traffic license charges, according to an October 22 South China Morning Post (SCMP) [report](#) (subscription required). A newspaper employee confirmed to the SCMP that the beating required Wu to be hospitalized for "severe injuries."

The beating, which was also reported in China's state controlled news media, including [Xinhua](#), the [Beijing News](#), and the [Legal Evening News](#), occurred when Li Xiaoguo, a senior officer in the Jiaojiang traffic police department, went to Wu's office to confront him about an October 19 report on unreasonable charges associated with acquiring drivers' licenses in Taizhou's Jiaojiang district. Li claimed the article was false and demanded an apology. Wu explained that the article was accurate and the city's Communist Party Central Committee had examined and approved it for publication. A witness said the two began arguing, and heard Li exclaim, "Today I am not a policeman." The two began to scuffle, at which point Li then summoned his subordinates. At least 10 traffic police came to Wu's office and dragged him to the elevator, kicking him on the way down (Chinese news media reported "over 10" officers, but according to the SCMP, local officials confirmed that Li mobilized 40 to 50 police officers and about a dozen police cars to converge on the newspaper office).

The SCMP reported that the police continued to beat Wu while they took him to the police station, but the domestic news media said the police only held him in a police vehicle for five to six minutes. Both sources reported that the police released Wu as a result of exhortations from the newspaper's manager and editor-in-chief, and that authorities have suspended Li from duty pending an investigation.

Local Officials Suppress Citizen Effort to Remove Village Committee Head in Guangdong Province

Local officials have suppressed a campaign by villagers in Taishi village, Guangzhou city, to remove village committee head Chen Jinsheng, who they accuse of embezzling village funds. Despite national law guaranteeing village electoral rights, local officials have blocked recall efforts by forcing elected village representatives to resign and detaining lawyers providing legal advice to the villagers. This has resulted in clashes between villagers and police, reports the South China Morning Post in a series of articles on September [2](#), [3](#), [4](#), [13](#), [14](#), [15](#), [16](#), [17](#), and [28](#).

In July, Taishi villagers began a campaign to remove Chen, accusing him of misusing village revenue from land sales. (For more details, see this [Zoneuropa report](#)). Article 16 of the [Organic Law on Village Committees](#) allows the holding of a recall referendum for a village committee member if 20 percent of the eligible voters submit a petition requesting such a recall. In Taishi, local activists obtained over 400 signatures out of 1,400 eligible voters, despite repressive government measures that included the arrest of protest leaders. On September 16, villagers elected seven village residents as members of a commission to manage the recall process, defeating government-selected candidates.

Since mid-September, local officials have intervened to block the recall of Chen Jinsheng. The seven popularly elected members of the recall committee have resigned since September 15, some citing official pressure. News media reports suggest that similar pressure may have prompted a late September petition signed by some 1,000 Taishi residents asking that the recall proceedings be suspended. On September 12, township public security officers seeking to remove village financial documents from government offices clashed with and arrested dozens of residents. Police also arrested legal activist [Guo Feixiong](#), who had been advising villagers of their legal rights. A September 14 [editorial](#) published on the People's Daily Web site supported the villagers' recall effort, which suggests that local government officials may be defying central government guidance.

Unelected Chinese township and Party officials often oppose citizen efforts to use village election rules to select their own representatives. (For more information, see the CECC's [Roundtable on Village Elections in China](#).)

Local People's Congress Representative, Journalists Beaten While Covering Taishi Village Incident

Lu Banglie, a local people's congress representative escorting an British journalist seeking to report on events in Taishi village, Guangdong province, was beaten by a number of unidentified individuals on October 9, according to an October 10 Guardian [report](#) and an October 11 South China Morning Post (SCMP) [report](#) (subscription required). Similarly, reporters working for Radio France and the SCMP were assaulted on October 7, according to an October 10 SCMP [article](#) (subscription required).

In September, township officials [suppressed](#) a campaign by Taishi residents to use national election laws to recall the village committee head, whom they accused of embezzling village funds. Village and township officials have tried to curtail outside reporting on the Taishi incident, which has generated foreign and Chinese news media attention. The British journalist accompanying Lu stated that they were stopped by a group of men wearing a mix of different uniforms. Although the assailants were not identified by the reports, locally-recruited police assistants often help police bureaus to maintain social

order.

A Ministry of Foreign Affairs (MFA) spokesman [criticized](#) foreign reporters for covering the incident during an October 11 press briefing. U.S. Embassy officials have [expressed concern](#) to the MFA about the violence in Taishi and asked for an investigation, according to an October 11 statement by the State Department spokesman.

MFA Spokesperson Criticizes Foreign Reporters Covering Taishi Village Protests

Foreign Ministry (MFA) press spokesman Kong Quan addressed violence against foreign journalists trying to cover the Taishi village protests in Guangdong province during a press briefing on October 11, according to a transcript published in [Chinese](#) and [English](#) on the Ministry's Web site.

Kong Quan said:

Question:

[S]ome contradictions took place in Taishi village in the Guangzhou area. It has been reported that some foreign journalists were beaten. How does the Chinese Foreign Ministry view the issue? How about the investigation now?

Response:

During the incident, the fact is that there were two foreign journalists who went to conduct interviews without having applied, and we express our regret that they violated relevant regulations. Coincidentally, it is these media outlets that often criticize China as having no rule of law, but when faced with China's laws and regulations, they are the first to disobey them, and this is inappropriate. Of course, the police are not permitted, are prohibited from abusing their power in correcting these kinds of violations of regulations. Above all, we hope all foreign media can have greater and more comprehensive coverage of China. We are not afraid of you criticizing China. Chinese media also criticizes China a great deal. But the problem is that things must be done in accordance with the law, and according to relevant regulations you must file an interview application. . . . What I know of the situation is that these journalists hid their identities, disguised themselves, and saw themselves as being just and honorable. Why did they not make it clear that they were there for an interview? If they went to learn about the villagers' protection of their civil rights, why did they say they were investigating such irrelevant issues as family planning and environmental protection? The police didn't take any rough actions against them, but merely made some inquiries, and after learning they were journalists, the police pointed out the problems that existed, and arranged for a car and sent the two journalists back to their hotel in Guangdong.

(CECC staff translated this question and response.).

The MFA spokesman was referring to reports that unidentified men detained and beat two foreign journalists attempting to reach Taishi village in Guangdong province to cover protests there in early October. According to an October 10 [report](#) in the South China Morning Post, Radio France Internationale reporter Abel Segretin and South China Morning Post reporter Leu Siew Ying were en route to Taishi on October 7 to report on [efforts by Taishi residents to use national election laws to recall the village committee head](#). Leu reported that local authorities stopped the journalists at a roadblock and asked for their identity papers. After an exchange with an unidentified man who summoned police, a number of men standing at the roadblock attacked the reporters, Leu said.

Justice Ministry Takes Steps To Improve the Independence of Expert Factual Determinations

The Ministry of Justice (MOJ) issued [Measures on the Registration of Judicial Forensic Centers](#) and [Measures on the Registration of Judicial Forensic Personnel](#) on September 30 implementing a February 28 National People's Congress (NPC) [decision](#) barring courts from establishing their own forensics centers to provide expert determinations of fact. The dependence of some courts on the revenue generated from fees raised by these centers has [raised concerns](#) regarding judicial fairness, such as the perception that parties may purchase favorable factual determinations from the courts that are responsible for handling their legal disputes. The effort to separate the courts from the management and operation of these centers is a positive step toward judicial reform.

The MOJ regulations detail the qualifications, registration process, and responsibilities of organizations providing expert factual determinations, and list the penalties for courts and centers that fail to comply with the decision. The February NPC decision requires MOJ supervision and certification for all individuals and organizations providing expert determinations of fact.

Chinese Government Expresses Continuing Concern Over Arable Land Loss

Ministry of Land and Resources (MLR) Vice Minister Lu Xinshe expressed continuing concern over arable land loss at a National Conference on the Protection of Basic Agricultural Land, according to an October 24 [report](#) by the Legal Daily. Lu

revealed that the central government has renewed its focus on monitoring the occupation and use of basic farmland and will require local authorities to announce and hold public hearings before they appropriate arable land in the future.

Chinese farmers feed over one-fifth of the world's population on only 7 percent of its total arable land, and Vice Minister Lu has called for efforts to protect farmland to help ensure the nation's food security. Government and Party leaders placed high priority on [slowing the loss of arable land](#) last year, enacting [strict limitations](#) on farmland seizures and new development projects in October 2004. According to October 24 reports from [Xinhua](#) and the [Beijing News](#), 27 of the nation's provinces, municipalities, and autonomous regions continue to face the problem of decreasing farmland, and 16 have farmland areas below the quota set by the nation's overall plan for land use. The Beijing News attributed the decrease in China's available arable land to illegal occupation of basic farmland and unauthorized alteration of land use plans by local authorities.

The MLR issued a "[Plan for Establishing Basic Agricultural Protection Zones](#)" on October 18 and jointly issued, along with six other government agencies, "[Opinions on Further Improvements in the Protection of Basic Agricultural Land](#)" on September 28. Both measures confirm pre-existing legal rules on land requisitions. Additionally, the October Plan provides for nationwide establishment of basic agricultural protection zones with improved farming, irrigation, and transportation facilities. The September 28 Opinions set up a five-level monitoring network to detect, correct, and punish the problem of illegal occupation of basic farmland. In separate economic analyses published on [October 19](#) and [October 12](#), the 21st Century Business Herald highlighted the urgency of peasants' issues and the need for the Party's [11th Five-Year Program](#), released on October 19, to resolve them through further [systemic changes](#).

Anhui Province Expands Merger of Party and Government Posts

Anhui provincial authorities have expanded an experimental merger of Communist Party and government township level posts to 17 counties throughout the province, according to an October 19 [article](#) in the 21st Century Business Herald. The experiment [began in late 2004](#) in Xuancheng city. The reforms require the township Party secretary to serve concurrently as the head of the township government. Individual township reforms require lower level Party officials to hold other government positions. For example, one township's rules require deputy township Party secretaries to head both the local people's congress (LPC) and the discipline committee.

Local officials interviewed for the article say that the reforms seek to reduce overlapping responsibilities between Party and government officials, thus leading to a smaller overall number of officials. They also cite the need to cut township expenses after the elimination of the agricultural tax, which once was the principal source of local government revenue. In 2000, Anhui was the first province to engage in an experimental round of rural tax reform, and in 2004 it abolished the agricultural tax.

The reforms seem to be reducing the total number of officials and lessening the tax burden on local residents, but they also raise questions about the wisdom of concentrating so much power in the hands of a single Party official, according to the article. The absence of independent citizen political participation and electoral processes to check the power of local officials heightens the potential for abuse of power. The Democratic Governance and Legislative Reform section of the Commission's [2005 Annual Report](#) discusses these systemic weaknesses in greater depth.

The Anhui reforms represent a model that central government authorities may be considering for implementation on a broader scale. Local officials note that the Anhui reforms are an effort to carry out the Party's September 2004 [Decision on Strengthening the Party's Ruling Capacity](#), which in part instructs officials to expand the practice of dual Party-government appointments. As a result of the central government's recent [effort](#) to eliminate the agricultural tax nationwide, local officials in other provinces may also face budgetary pressure to adopt reforms similar to those in Anhui. The head of the State Development and Reform Commission noted that the government has eliminated the agricultural tax in all but three provinces, according to an August 26 Xinhua [article](#).

Authorities Close Two Mongolian-Language Web Sites for Posting "Separatist" Materials

Authorities in the Inner Mongolia Autonomous Region shut down two popular Mongolian-language Web sites ([Ehoron](#), or "homeland" and [Monghal](#), translated as "eternal fire") on September 26 for posting what officials are calling "separatist" content, according to the [Southern Mongolia Human Rights Information Center](#). The closures came just one day after the Ministry of Information Industry and the State Council Information Office announced stringent new [controls over Internet news services](#), and during an [intensified Strike Hard Campaign](#) against the "three evils" of separatism, international terrorism, and religious extremism throughout many of the country's autonomous regions.

Mongolian students created the Ehoron Web site in September 2004 after Chinese authorities closed another popular Mongol site, [www.nutuge.com](#), in March 2004. The Ehoron site contained a discussion forum that covered a range of issues "without touching on human rights, politics, or religion," according to [Reporters Without Borders](#). The Web hosting company informed forum administrators that officials had shut the site down because "separatist contents were posted on it," though company representatives did not specify which postings contained the forbidden comments.

Forum administrators believe that the alleged "separatist" content refers to posts criticizing a Chinese animated TV series

that portrayed the Mongolian historical figure Genghis Khan as "Mouse King Temugin" with a mouse's head and a pig's snout. The second Web site closed by authorities, Monghal, is the official site of the Monhgal Law Firm. The firm was encouraging Mongols to ask government officials to ban the TV series, and was preparing a lawsuit against the series producer. Authorities allowed the firm to reopen its Web site on October 2 on the condition that it would not "post separatist content in the future."

Education Department Requires Xinjiang Students to Pick Cotton and Hops

The Xinjiang Education Department is requiring nearly 100,000 students to pick cotton and hops in the People's Liberation Army's Xinjiang Production and Construction Corps farms as part of a mandatory work study program, according to a September 12 [Urumqi Evening News](#) report. In an unusually frank report on popular dissatisfaction with a government program, the Urumqi-based Metropolitan Consumer News published an article on September 15 entitled "[How Much Is Amiss in the Work Study Program.](#)" The article quoted several parents who had called the newspaper's hotline to complain that schools were forcing young children to work 12 hour shifts in the fields, exceeding the government's two-week maximum limit on how long students may work, cramming students into overcrowded makeshift dormitories, and feeding them poorly and irregularly. (See [Radio Free Asia \(RFA\)](#) for English-language coverage of students' working conditions.)

School officials fine students who fail to meet daily quota for picking cotton and hops. One father of a 10-year-old student called the hotline to report that he had taken leave from work to help his son in the fields, because his son could not pick the daily quota of 15 kilograms of hops. The man reported seeing several parents in the fields helping their children. "Some parents were too busy at work to take leave, so they asked aging grandfathers and grandmothers to work," he reported. Parents also reported that many schools exempted students from the program if they paid 300-400 yuan, raising questions about the government's claimed educational motivation for the program.

An official from the Xinjiang Department of Education's Work Study Program Office responded to several parental concerns in an [interview](#) published by the Metropolitan Consumer News on September 19. He emphasized the pedagogical merits of the program, and briefly mentioned the "extremely short supply" of cotton pickers in the region. But he did not address parents' concern about who may be benefiting financially from the mandatory unpaid student labor. The official dismissed allegations that school work quotas were too high, saying that "judging from students' ability to meet similar quotas over the past two years, they should be able to finish the work."

Two Provinces Force Universities to Implement "Real Name Systems" for Internet Forums

The people's governments and Communist Party central committees of Guangdong and Jiangsu provinces have each issued opinions informing universities in those jurisdictions that they must increase their supervision over campus Web sites and Internet forums, according to articles in the [Southern Metropolitan Daily](#) and the [Yangtse Daily](#) on September 29 and October 5, respectively. The opinions, which are both entitled "Implementation Opinion on Strengthening and Improving Ideological and Political Education of College Students" require universities to adopt a "real name" registration system for Internet forums (also known as "electronic bulletin boards" or "BBSs"). The Guangdong opinion also requires schools to establish an "IP address database and IP address allocation classification responsibility mechanism."

This demand for universities to track student expression follows the Ministry of Education's May 2005 [crackdown on university BBSs](#), when it imposed a prohibition on anonymous logins from off-campus IP addresses. The move also appears to be specifically directed at students' political expression, as the titles of these opinions are identical to that of "[Document Number 16](#)," which the Communist Party Central Committee and the State Council jointly issued in October 2004. That opinion stated that "Strengthening and improving the political thought education of university students is an exceedingly pressing and important duty," and called on educators to "use idealistic faith education as the core to thoroughly carry out the establishment of education in the correct world view, life view, and values." The Guangming Daily, the official newspaper of the Beijing Communist Party Central Committee, published an article entitled [Firmly Grasp the Initiative in Online Political Ideological Education](#) in September 2005 authored by Ministry of Education officials in which they discussed Document Number 16 and said:

Harmful information online is severely poisoning the souls of college students, and irresponsible expression online easily brings with it ideological confusion, and creates a severe challenge for college students' political ideological education. . . . Grasp the campus [public sentiment](#) situation, effectively guide online [public opinion](#). . . . Organize ranks of [online commentators](#), embrace hot topics and take the initiative to write postings and effectively guide online public opinion. . . . We should take affirmative action to strengthen administration, and strive to strengthen the unified and specialized management of on-campus Web sites and Web site users in accordance with the mechanisms formulated in relevant national Internet administration regulations, particularly with respect to the administration of campus BBSs, to take strict precautions against the dissemination of [harmful information](#) online.

Chinese Internet users have been [debating "real name" systems for the Internet](#) since July 5, when Shenzhen's public security bureau issued a [notice](#) saying companies must "purify" their Internet chatrooms, BBSs, news groups, and instant messaging systems by requiring all administrators to register these forums using their real names.

Migrant Sues Government for Denying Welfare Claim on Basis of Residency Status

Migrant worker Wu Yongzhong has sued the Guangdong Department of Civil Affairs for denying his claim for welfare payments on the basis of his hukou (household registration) status, according to a September 30 Beijing News [report](#). Wu is an injured, unemployed electrician originally from Sichuan province who has worked in Guangzhou city for eight years.

District and city authorities denied welfare benefits that Wu claims he is owed under local regulations on minimum living subsidies for urban residents. Department of Civil Affairs officials cite Wu's lack of a local Guangzhou hukou as a reason for denying his claim. Wu has challenged the denial in the Guangzhou Intermediate People's Court.

In China, migrants with rural or non-local hukou often cannot qualify for social benefits in the urban areas where they live and work. For more information, see the [Freedom of Residence and Travel page](#) of the CECC Virtual Academy.

Chengdu Homeowners Protest Inadequate Regulation of Property Development

Members of over 400 households gathered on the streets of Chengdu, Sichuan province, to hold a press conference protesting the government's inadequate regulation of a local development company, according to an October 15 Radio Free Asia (RFA) [report](#). Riot police eventually dispersed the crowds. A [Chengdu Economic Daily](#) report revealed that more than 80 households filed a complaint against the same company with the local investigative unit of the public security bureau on October 10, identifying themselves as victims of fraud.

The homeowners held their press conference after some of their number had failed in attempts to petition the Chengdu housing administration bureau and sue the developer, Chongqing Kang Fa Company, in court. In early 2003, the Chengdu branch office of Chongqing Kang Fa Company began advance sales of small family homes and signed agreements with individual households that allowed them to move into the "Zhihua Shi" complex beginning on April 20, 2004. The Chengdu Economic Daily article reported that the company had sold some units to multiple prospective homeowners. To date, the company has failed to complete construction, but refuses to return money paid in advance by the homeowners. The Chengdu branch office can no longer be reached at its former business address, leading news reports to refer to both the company and purchase funds as having "evaporated."

Homeowners told RFA that they confirmed the company's legitimacy before making their purchases, through the local housing administration bureau that oversees and issues permits to real estate developers. In April 2004, once it became apparent that the homeowners could not move in as expected, they formed a small advocacy group to petition through administrative channels. They also attempted negotiations with the district government and the development company, but these talks collapsed when the homeowners learned that the district government supported the developer. In June 2005, over 100 homeowners began a lawsuit to reclaim their purchase money, but the court threw the case out because the company had not registered a company address and thus could not receive the court summons.

The Chengdu press conference took place just before an October 18 [New York Times report](#) (registration required) raised the specter of rampant land speculation and a property bubble in China. In February, a [corruption scandal](#) drew attention to a senior Chengdu official's involvement in illegal land deals. The [Beijing News](#) reported that seven government bureaus, including the Ministry of Land and Resources, issued directives in May that called on local administrators to exercise tighter controls to restrict developers' profits and limit land speculation.

Student Sues Henan University For Hepatitis Discrimination

A student in Henan province has filed a law suit against the Henan Institute of Finance and Economics alleging that the school discriminated against him because he is a carrier of the hepatitis B virus, according to [China Youth Daily](#). The university denied the student admission last spring, despite the fact that the student scored above the cut-off point on the entrance examination. According to the university, officials denied the student admission because his application showed that he had tested positive for hepatitis B.

The National People's Congress amended the [Law on the Prevention and Control of Infectious Diseases](#) on August 28, 2004. The amended law specifically prohibits discrimination against people infected with contagious diseases, people carrying the pathogen of a contagious disease, and people who are suspected of having a contagious disease. Medical experts [estimate](#) that up to 120 million people in China may be carriers of the hepatitis B virus.

Full Analysis >> <http://www.cecc.gov/pages/virtualAcad/newsletterListing.phpd?NLdate=20051101&show=ALL#id26834>

Hong Kong Constitutional Development Task Force Issues Proposals for Reform

The Hong Kong SAR's Constitutional Development Task Force issued its [fifth report](#) on October 19. The report contains a package of proposals on methods for selecting the Chief Executive in 2007 and for forming the Legislative Council (LegCo) in 2008. Among these proposals, the report calls for doubling the size of the Election Committee that chooses Hong Kong's chief executive. The report proposes increasing the number of Election Committee members in the First, Second, and Third Sectors, which comprise professionals in industry, commerce, finance, labor, and social services, from 600 to 900. In addition, the report proposes increasing the number of members in the Fourth Sector, which comprises members of the

LegCo, District Councils, Hong Kong deputies to the National People's Congress, and others, from 200 to 700. The report also calls for adding 10 new seats to the 60-member LegCo, although the public would elect only five of the new members directly. District Councilors elected by the current group of 529 Councilors would fill the other five new seats. In a [statement](#) posted on the Hong Kong government Web site following the publication of the report, Chief Secretary for Administration Rafael Hui, who led the task force, explained that "although constitutional development in 2007-2008 will not take us immediately to the ultimate goal of universal suffrage, it is a substantive and significant step toward that goal."

Chief Executive Donald Tsang described the proposals as "a significant step forward in our democratic development," according to the transcript of a [press conference](#) posted on the Hong Kong government Web site following the release of the report. Tsang went on to say that "the SAR Government has left no stone unturned in formulating a package that embodies democracy and openness to the highest extent possible, and is consistent with the Basic Law and the Decision of the Standing Committee of the National People's Congress." In April 2004, the NPC Standing Committee issued a [decision](#) prohibiting the people of Hong Kong from electing either the chief executive in 2007 or the members of the LegCo in 2008 through universal suffrage. The decision also mandated that the one-to-one ratio of legislators directly elected by geographical constituencies to those elected by professional and business groups will not change in the 2008 election.

For the proposals to be implemented, a two-thirds majority in the LegCo must first approve them before the Hong Kong government may apply to the central government in Beijing to amend the relevant appendices of the Basic Law. According to an October 20 report in the Washington Post, 25 lawmakers in the LegCo have [condemned the plan](#) as inadequate and have vowed to block it. In its [2005 Annual Report](#) the Commission expressed its strong support for the provisions of the Basic Law that provide for the chief executive and the entire legislature to be elected through universal suffrage.

Chinese Authorities Repatriate 7 North Koreans Seeking Haven on South Korean International School Grounds

The Republic of Korea (ROK) Foreign Ministry announced on October 10 that the Chinese government had repatriated seven North Koreans by force to the Democratic People's Republic of Korea (DPRK) on September 29, according to October 11 articles in [Korea Times](#) and [Daily NK](#). The Chinese government sent the asylum seekers back to North Korea despite 12 appeals by the South Korean government for their safe passage to the ROK. The seven repatriated North Koreans had entered a South Korean school in Yantai City, Shandong province, on August 29, and requested safe travel to South Korea. Chinese authorities took them into custody and repatriated them a month later. This incident is the first time in recent years that the Chinese government has repatriated North Koreans who sought safe haven in international schools.

The Chinese government considers all North Korean asylum seekers to be "[illegal economic migrants](#)" rather than refugees, and considers itself bound by a 1961 Treaty with the DPRK to return all such migrants to North Korea. In the [past](#), however, Chinese authorities have allowed North Koreans who seek asylum in foreign embassies, consulates, or international schools safe passage to third countries, though they seldom permit them to go directly to the ROK. Since North Koreans began seeking asylum in foreign schools in China in 2004, the Chinese government has allowed 164 DPRK citizens in 18 groups to transit to South Korea through third countries.

A South Korean Foreign Ministry officials said that these deportations from international school grounds likely indicate a tightening in Chinese policy towards North Korean refugees, according to an October 11 Seoul JoongAng Ilbo [report](#). On October 11, however, Chinese authorities allowed South Korean consular officials to transfer eight North Korean women to the South Korean Consulate in Qingdao, Shandong province, after the women entered the grounds of a South Korean international school in the city earlier that day and requested asylum, according to the October 11 Korea Times and NK Daily articles cited above. Another 13 North Koreans entered the same school on October 27, and South Korean Embassy officials in Beijing are currently negotiating with the Chinese foreign ministry on their bid for asylum, according to an October 27 Yonhap [report](#).

The South Korean government's longstanding policy is to accept for resettlement all North Koreans who seek asylum in any country and wish to live permanently in the ROK. More than 6,700 North Koreans have fled the DPRK to South Korea since 1953, including 1,894 in 2004.

Web Site Openings and Closings After the Taishi Protests and New Regulations

Chinese authorities shut down the Web site of Ai Xiaoming, a professor at Sun Yat-sen University in Guangdong province, on October 5, the South China Morning Post (SCMP) [reported](#) (subscription required) on October 7. Ai wrote an [open letter](#) (in Chinese) to Chinese Premier Wen Jiabao on September 15 that included a list of people in [Taishi village](#) who were detained the previous day. According to the SCMP report, authorities closed the Web site after Ai posted a description of a September 26 incident in which security guards "smashed" a taxi that was taking her and two lawyers home from a visit to Taishi village. Men on motorcycles pursued and beat Guo Yan, one of the lawyers, when he left the taxi to seek help. Citing an unnamed source, the SCMP report said officials had warned Ai to forget the Taishi issue. Radio Free Asia (RFA) also [quoted](#) Ai on October 5 as saying "I think that there is actually very little space for free debate on this subject, and now there's really very little left to talk about."

An administrator at the [Yannan Forum](#), an electronic bulletin board service (or "BBS") issued a notice on September 21 from

the site's executive committee to all forum administrators that required them to "clean up" all of their forums. The notice specifically ordered that forum administrators delete all posts on both the Taishi Village incident and the case of Wang Binyu, a migrant worker who allegedly killed his employer for refusing to pay him back wages, according to an article dated September 23 posted on the [Observe China](#) Web site (in Chinese). On September 28, Yunnan Forum operators closed the site completely and posted an announcement dated September 30 saying: "Beginning today, Yunnan Net will be conducting a sitewide cleanup and reorganization, and the date of reopening will be announced separately." Neither notice offered an explanation for the censorship or the closure, but the closure notice came only days after the Chinese government's promulgation of [new rules cracking down on news reporting in non-government sponsored Web sites](#). An employee at the Yunnan Forum [confirmed the closure](#) (in Chinese) to RFA, but said he could not give interviews. RFA quoted Hou Wenzhuo, the head of the Empowerment and Rights Institute in Beijing, as saying that the Web site's closure was a major blow: "It really was one of the last resources left to us - one of the last bastions of justice and social conscience for academics and rights activists alike. A forum like that is really very rare in China. This really is a very big attack by the government on rights campaigners." Public security officers in Beijing [searched the Institute and Hou's home](#) on September 29 during the visit of Louise Arbour, the UN High Commissioner for Human Rights.

On September 28, the Beijing branch of the [General Administration of Press and Publication](#) shut down anticorruption activist Li Xinde's "China Public Opinion Supervision Net Law Blog," RFA [reported](#) (in Chinese) on September 29. Li, whose own Web site "China Public Opinion Supervision Net" was [shut down by the Beijing GAPP in May 2005](#), told RFA that when he contacted the administrators of the site hosting his Law Blog, they said the GAPP had told them that the Blogs essays "had problems," and that if they didn't close the blog, it would shut down the entire site.

The "Democracy and Freedom Forum" Web site has registered with government authorities and reopened as [Perspectives Net and Democracy and Freedom Forum](#), according to an October 6 Boxun [report](#) (in Chinese). Chinese authorities [have forced the site to close down](#) 46 times since its founding over three years ago. The site had to register with the government or risk being shut down as part of the [Ministry of Information Industry's](#) (MII) [recently concluded crackdown](#) on private Web sites. The MII conducted the repressive campaign pursuant to the [Registration Administration Measures for Non-Commercial Internet Information Services](#) issued in March 2005.

Full Analysis >> <http://www.cecc.gov/pages/virtualAcad/newsletterListing.phpd?NLdate=20051101&show=ALL#id26230>

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